



General Assembly

February Session, 2016

***Raised Bill No. 181***

LCO No. 1263



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:  
(KID)

***AN ACT CONCERNING ACCESS TO RECORDS OF THE  
DEPARTMENT OF CHILDREN AND FAMILIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 17a-28 of the 2016 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2016*):

4 (g) The department shall disclose records, subject to subsections (b)  
5 and (c) of this section, without the consent of the person who is the  
6 subject of the record, to:

7 (1) The person named in the record or such person's authorized  
8 representative, provided such disclosure shall be limited to  
9 information (A) contained in the record about such person or about  
10 such person's biological or adoptive minor child, if such person's  
11 parental rights to such child have not been terminated; and (B)  
12 identifying an individual who reported abuse or neglect of the person,  
13 including any tape recording of an oral report pursuant to section 17a-  
14 103, if a court determines that there is reasonable cause to believe the  
15 reporter knowingly made a false report or that the interests of justice

16 require disclosure;

17 (2) An employee of the department for any purpose reasonably  
18 related to the performance of such employee's duties;

19 (3) A guardian ad litem or attorney appointed to represent a child or  
20 youth in litigation affecting the best interests of the child or youth;

21 (4) The Attorney General, any assistant attorney general or any  
22 other legal counsel retained to represent the department during the  
23 course of a legal proceeding involving the department or an employee  
24 of the department;

25 (5) The Child Advocate or the Child Advocate's designee;

26 (6) The Chief Public Defender or the Chief Public Defender's  
27 designee for purposes of ensuring competent representation by the  
28 attorneys with whom the Chief Public Defender contracts to provide  
29 legal and guardian ad litem services to the subjects of such records and  
30 for ensuring accurate payments for services rendered by such  
31 attorneys;

32 (7) The Chief State's Attorney or the Chief State's Attorney's  
33 designee for purposes of investigating or prosecuting (A) an allegation  
34 related to child abuse or neglect, (B) an allegation that an individual  
35 made a false report of suspected child abuse or neglect, or (C) an  
36 allegation that a mandated reporter failed to report suspected child  
37 abuse or neglect in accordance with section 17a-101a, provided such  
38 prosecuting authority shall have access to records of a child charged  
39 with the commission of a delinquent act, who is not being charged  
40 with an offense related to child abuse, only while the case is being  
41 prosecuted and after obtaining a release;

42 (8) A state or federal law enforcement officer for purposes of  
43 investigating (A) an allegation related to child abuse or neglect, (B) an  
44 allegation that an individual made a false report of suspected child  
45 abuse or neglect, or (C) an allegation that a mandated reporter failed to

46 report suspected child abuse or neglect in accordance with section 17a-  
47 101a;

48 (9) A foster or prospective adoptive parent, if the records pertain to  
49 a child or youth currently placed with the foster or prospective  
50 adoptive parent, or a child or youth being considered for placement  
51 with the foster or prospective adoptive parent, and the records are  
52 necessary to address the social, medical, psychological or educational  
53 needs of the child or youth, provided no information identifying a  
54 biological parent is disclosed without the permission of such biological  
55 parent;

56 (10) Any person, if the records pertain to a child or youth receiving  
57 services from the department and the parent, guardian, foster parent  
58 or prospective adoptive parent with whom such child or youth lives or  
59 is placed is convicted of a crime involving an act of child abuse or  
60 neglect as described in section 46b-120 or a violation of section 53-21,  
61 53a-71 or 53a-73a, for the purpose of determining whether the  
62 department's services to such child or youth provide adequate  
63 protection to such child or youth based on the known circumstances;

64 [(10)] (11) The Governor, when requested in writing in the course of  
65 the Governor's official functions, the Legislative Program Review and  
66 Investigations Committee, the joint standing committee of the General  
67 Assembly having cognizance of matters relating to human services, the  
68 joint standing committee of the General Assembly having cognizance  
69 of matters relating to the judiciary or the joint standing committee of  
70 the General Assembly having cognizance of matters relating to  
71 children, when requested in writing by any of such committees in the  
72 course of such committee's official functions, and upon a majority vote  
73 of such committee, provided no name or other identifying information  
74 is disclosed unless such information is essential to the gubernatorial or  
75 legislative purpose;

76 [(11)] (12) The Office of Early Childhood for the purpose of (A)  
77 determining the suitability of a person to care for children in a facility

78 licensed pursuant to section 19a-77, 19a-80 or 19a-87b; (B) determining  
79 the suitability of such person for licensure; (C) an investigation  
80 conducted pursuant to section 19a-80f; (D) notifying the office when  
81 the Department of Children and Families places an individual licensed  
82 or certified by the office on the child abuse and neglect registry  
83 pursuant to section 17a-101k; or (E) notifying the office when the  
84 Department of Children and Families possesses information regarding  
85 an office regulatory violation committed by an individual licensed or  
86 certified by the office;

87     ~~[(12)]~~ (13) The Department of Developmental Services, to allow said  
88 department to determine eligibility, facilitate enrollment and plan for  
89 the provision of services to a child who is a client of said department  
90 and who is applying to enroll in or is enrolled in said department's  
91 behavioral services program. At the time that a parent or guardian  
92 completes an application for enrollment of a child in the Department of  
93 Developmental Services' behavioral services program, or at the time  
94 that said department updates a child's annual individualized plan of  
95 care, said department shall notify such parent or guardian that the  
96 Department of Children and Families may provide records to the  
97 Department of Developmental Services for the purposes specified in  
98 this subdivision without the consent of such parent or guardian;

99     ~~[(13)]~~ (14) Any individual or entity for the purposes of identifying  
100 resources that will promote the permanency plan of a child or youth  
101 approved by the court pursuant to sections 17a-11, 17a-111b, 46b-129  
102 and 46b-141;

103     ~~[(14)]~~ (15) A state agency that licenses or certifies an individual to  
104 educate or care for children or youth;

105     ~~[(15)]~~ (16) A judge or employee of a Probate Court who requires  
106 access to such records in order to perform such judge's or employee's  
107 official duties;

108     ~~[(16)]~~ (17) A judge of the Superior Court for purposes of

109 determining the appropriate disposition of a child convicted as  
110 delinquent or a child who is a member of a family with service needs;

111 [(17)] (18) A judge of the Superior Court in a criminal prosecution  
112 for purposes of in camera inspection whenever (A) the court has  
113 ordered that the record be provided to the court; or (B) a party to the  
114 proceeding has issued a subpoena for the record;

115 [(18)] (19) A judge of the Superior Court and all necessary parties in  
116 a family violence proceeding when such records concern family  
117 violence with respect to the child who is the subject of the proceeding  
118 or the parent of such child who is the subject of the proceeding;

119 [(19)] (20) The Auditors of Public Accounts, or their representative,  
120 provided no information identifying the subject of the record is  
121 disclosed unless such information is essential to an audit conducted  
122 pursuant to section 2-90;

123 [(20)] (21) A local or regional board of education, provided the  
124 records are limited to educational records created or obtained by the  
125 state or Connecticut Unified School District #2, established pursuant to  
126 section 17a-37;

127 [(21)] (22) The superintendent of schools for any school district for  
128 the purpose of determining the suitability of a person to be employed  
129 by the local or regional board of education for such school district  
130 pursuant to subsection (a) of section 10-221d;

131 [(22)] (23) The Department of Motor Vehicles for the purpose of  
132 criminal history records checks pursuant to subsection (e) of section  
133 14-44, provided information disclosed pursuant to this subdivision  
134 shall be limited to information included on the Department of  
135 Children and Families child abuse and neglect registry established  
136 pursuant to section 17a-101k, subject to the provisions of sections 17a-  
137 101g and 17a-101k concerning the nondisclosure of findings of  
138 responsibility for abuse and neglect;

139        [(23)] (24) The Department of Mental Health and Addiction Services  
140        for the purpose of treatment planning for young adults who have  
141        transitioned from the care of the Department of Children and Families;

142        [(24)] (25) The superintendent of a public school district or the  
143        executive director or other head of a public or private institution for  
144        children providing care for children or a private school (A) pursuant to  
145        sections 17a-11, 17a-101b, 17a-101c, 17a-101i, 17a-111b, 46b-129 and  
146        46b-141, or (B) when the Department of Children and Families places  
147        an individual employed by such institution or school on the child  
148        abuse and neglect registry pursuant to section 17a-101k;

149        [(25)] (26) The Department of Social Services for the purpose of (A)  
150        determining the suitability of a person for payment from the  
151        Department of Social Services for providing child care; (B) promoting  
152        the health, safety and welfare of a child or youth receiving services  
153        from either department; or (C) investigating allegations of fraud  
154        provided no information identifying the subject of the record is  
155        disclosed unless such information is essential to any such  
156        investigation;

157        [(26)] (27) The Court Support Services Division of the Judicial  
158        Branch, to allow the division to determine the supervision and  
159        treatment needs of a child or youth, and provide appropriate  
160        supervision and treatment services to such child or youth, provided  
161        such disclosure shall be limited to information that identifies the child  
162        or youth, or a member of such child's or youth's immediate family, as  
163        being or having been (A) committed to the custody of the  
164        Commissioner of Children and Families as delinquent, (B) under the  
165        supervision of the Commissioner of Children and Families, or (C)  
166        enrolled in the voluntary services program operated by the  
167        Department of Children and Families;

168        [(27)] (28) The Court Support Services Division of the Judicial  
169        Branch for the purpose of sharing common case records to track  
170        recidivism of juvenile offenders; and

171        [(28)] (29) The birth-to-three program's referral intake office for the  
172        purpose of (A) determining eligibility of, (B) facilitating enrollment for,  
173        and (C) providing services to (i) substantiated victims of child abuse  
174        and neglect with suspected developmental delays, and (ii) newborns  
175        impacted by withdrawal symptoms resulting from prenatal drug  
176        exposure.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	17a-28(g)
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***KID***        *Joint Favorable*